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July 8, 2022

**VIA ECF**

Magistrate Arlene R. Lindsay  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
814 Federal Plaza  
Central Islip, NY 11722

Re: **Jose Gutierrez et al v. Davinci's Restaurant & Lounge et al,**  
**Case No. 20-cv-5380 (GRB/ARL)**

Dear Magistrate Lindsay,

I previously represented the Defendants in this matter.

During the later part of 2021, I was in regular contact with Mr. Monteiro who is an extremely cordial and courteous attorney. After a Court conference with Magistrate Tomlinson's clerk, a Discovery schedule was set. I spent considerable time trying to get my client's cooperation in complying with the Discovery.

Shortly before I was about to finalize this matter, my client's informed me that they did not want me to take any further action and would not cooperate with me.

I immediately notified Mr. Monteiro and sent my request to be relieved to the Court. The Court noted that there were service issues since one of the Defendant's address I did not have and I served him by email.

Simultaneously, the client's hired Mr. Dachtera who informed me he would be taking over. The clients at that time would not ever return my calls. I spoke to Mr. Monteiro in 2021 and informed him I have been substituted.

What I did not realize, and I should have, is that Mr. Dachtera was not formally admitted to the Court and the substitution would take longer than I anticipated.

I actually believed that Mr. Monteiro was dealing with Mr. Dachtera directly. Had I thought for a minute that Mr. Dachtera had not made sure he was the official attorney representing the Defendants I would have reacted appropriately.

My history with the Court is pristine. I have never been sanctioned, I served as a member of the NYS Appellate Division Grievance Committee for eight years appointed by the Chief Judge of New York.

My practice is over 40 years and without a blemish as a result of my dedication to the principles that we as lawyers must abide by.

I am admitting to not being diligent in following up on Mr. Dachtera. I did not delay this case. I actually completed the discovery demands in August 2021 but when the client's refused to cooperate, I did not serve them.

I have many open cases before this Court before many Judges and Magistrates. I have never been criticized or held in default because I did not respond or file a document timely.

I also had a great relationship with Mr. Monteiro. I believe his is a good lawyer and I wanted to cooperate and hopefully have this case settled in mediation.

I apologize to the Court and Mr. Monteiro for not following up on this discovery. I respectfully request that I am not be subjected to a portion of the \$16,000 itemized legal fees to counsel.

Respectfully Submitted,

/s/Stephen D. Hans

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